



Security Council

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GENERAL

S/26873
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ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling its resolution 186 (1964) and other relevant resolutions,

Having considered the report of the Secretary-General of 22 November 1993 (S/26777 and Add.1) submitted pursuant to resolutions 831 (1993) of 27 May 1993 and 839 (1993) of 11 June 1993 in connection with the Security Council's comprehensive reassessment of the United Nations operation in Cyprus,

Noting the recommendation by the Secretary-General that the Security Council extend the stationing of the United Nations Peace-keeping Force in Cyprus in its present strength and structure for a further period of six months,

Noting also that the Government of Cyprus has agreed that, in view of the prevailing conditions in the island, it is necessary to keep the Force in Cyprus beyond 15 December 1993,

1. Extends once more the stationing in Cyprus of the United Nations Peace-keeping Force established under resolution 186 (1964) (UNFICYP) for a further period ending on 15 June 1994;
2. Notes the Secretary-General's conclusion that the present circumstances do not allow for any modification in the structure and strength of UNFICYP and requests him to keep those matters under constant review with a view to the further possible restructuring of UNFICYP;
3. Calls upon the military authorities on both sides to ensure that no incidents occur along the buffer zone and to extend their full cooperation to UNFICYP;
4. Urges all concerned once again to commit themselves to a significant reduction in the number of foreign troops in the Republic of Cyprus and a reduction of defence spending in the Republic of Cyprus to help restore confidence between the parties and as a first step towards the withdrawal of non-Cypriot forces as set out in the Set of Ideas;

5. Calls upon the military authorities on both sides, in line with paragraph 3 of resolution 839 (1993) of 11 June 1993, to begin discussions with UNFICYP without further delay with a view to entering into mutual commitments to prohibit along the cease-fire lines live ammunition or weapons other than those which are hand-held and to prohibit also the firing of weapons within sight or hearing of the buffer zone;
6. Calls upon the military authorities on both sides to cooperate with UNFICYP in extending the 1989 unarming agreement to cover all areas of the buffer zone where the two sides are in close proximity to each other;
7. Urges the leaders of both communities to promote tolerance and reconciliation between the two communities as recommended in paragraph 102 of the Secretary-General's report of 22 November 1993;
8. Reaffirms that the status quo is unacceptable, and encourages the Secretary-General and his Special Representative to pursue the Secretary-General's mission of good offices on the basis of the Set of Ideas and the package of confidence-building measures relating to Varosha and Nicosia International Airport referred to in paragraph 45 of the Secretary-General's report of 22 November 1993;
9. Notes with interest the confirmation by the team of international economic experts that the package of confidence-building measures holds significant and proportionate benefits for both sides, and looks forward to receiving the full reports of the economic and civil aviation experts;
10. Welcomes in this context the decision of the Secretary-General to resume intensive contacts with both sides and with others concerned and to concentrate at this stage on achieving an agreement on the package of confidence-building measures, intended to facilitate the political process towards an overall settlement;
11. Further welcomes the declared support of the Government of Turkey for the package of confidence-building measures, would also welcome a statement of support for that package by the Government of Greece and expresses the hope that rapid progress will now be made on achieving agreement on the package;
12. Requests the Secretary-General to submit a report by the end of February 1994 on the outcome of his efforts to achieve an agreement on the package of confidence-building measures;
13. Decides to undertake, on the basis of that report, a thorough review of the situation, including the future role of the United Nations, and, if necessary, to consider alternative ways to promote the implementation of its resolutions on Cyprus.

Annex

Report of the Committee established by resolution 661 (1990)
concerning the situation between Iraq and Kuwait pursuant to
paragraph 6, subparagraph (f), of the guidelines to
facilitate full international implementation of paragraphs 24,
25 and 27 of Security Council resolution 687 (1991)

1. The present report is submitted by the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, in accordance with paragraph 6, subparagraph (f), of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991) of 3 April 1991, 1/ which were approved by Council resolution 700 (1991) of 17 June 1991.
2. Under paragraph 6, subparagraph (f), of the guidelines, the Committee is required to report at 90-day intervals to the Security Council on the implementation of the arms and related sanctions against Iraq contained in the relevant resolutions of the Security Council. The present report is the tenth report submitted under the above-mentioned guidelines. The preceding reports were submitted on 13 September 1991, 2/ 10 December 1991, 3/ 12 March 1992, 4/ 11 June 1992, 5/ 8 September 1992, 6/ 4 December 1992, 7/ 19 March 1993, 8/ 7 June 1993 9/ and 7 September 1993. 10/
3. By paragraph 12 of the guidelines, all States are requested to report to the Committee any information that may have come to their attention relating to possible violations of the arms and related sanctions against Iraq committed by other States or foreign nationals. During the period under review, no information as requested by paragraph 12 of the guidelines has been received by the Committee.
4. In accordance with paragraphs 13 and 15 of the guidelines, all States and international organizations ought to consult the Committee on the question of whether certain items fall within the provisions of paragraph 24 of resolution 687 (1991), as well as in cases relating to dual-use or multiple-use items, i.e., items meant for civilian use but with potential for diversion or conversion to military use. During the period under review, no States or international organizations have consulted the Committee on these questions.
5. By paragraph 14 of the guidelines, international organizations are requested to provide the Committee with any relevant information that may come to their attention. During the period under review, no information as requested by paragraph 14 of the guidelines has been received by the Committee.
6. In a note dated 18 November 1993, 11/ the President of the Security Council published the text of the statement issued to the media on behalf of the members of the Council.
7. Since the submission of the previous report of the Committee on 7 September 1993, 10/ no allegations of violations in connection with paragraph 24 of resolution 687 (1991) have been reported to the Committee.

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8. The Committee will continue its efforts to fulfil the mandate entrusted to it. Since the last report of the Secretary-General, dated 4 December 1991, 12/ no further replies have been received from Member States pursuant to paragraph 4 of Security Council resolution 700 (1991).

Notes

1/ S/22660, annex.

2/ S/23036.

3/ S/23279.

4/ S/23708.

5/ S/24083.

6/ S/24545.

7/ S/24912.

8/ S/25442.

9/ S/25930.

10/ S/26430.

11/ S/26768.

12/ S/22884/Add.2.

Annex

Letter dated 8 December 1993 from the Minister for Foreign
Affairs of Georgia addressed to the Secretary-General

I have the honour to transmit herewith the text of the Memorandum of Understanding between the Georgian and the Abkhaz sides at the negotiations held in Geneva and, upon instructions of my Government, I am honoured to request that the following document be circulated as a document of the Security Council.

(Signed) A. CHIKVAIDZE

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Appendix

[Original: English and Russian]

Memorandum of Understanding

between the Georgian and the Abkhaz sides
at the negotiations held in Geneva

The first round of negotiations on a comprehensive settlement of the Georgian-Abkhaz conflict took place in Geneva from 30 November to 1 December 1993, under the aegis of the United Nations, with the Russian Federation as facilitator and a representative of the Conference on Security and Cooperation in Europe (CSCE).

The negotiations were held in accordance with Security Council resolutions 849 (1993) of 9 July 1993, 854 (1993) of 6 August 1993, 858 (1993) of 24 August 1993, 876 (1993) of 19 October 1993 and 881 (1993) of 4 November 1993.

Agreement was reached concerning the following:

1. In accordance with the main provisions of the Sochi Agreement of 27 July 1993 on the cease-fire in Abkhazia and the mechanism for monitoring its observance, the parties commit themselves not to use force or the threat of force against each other for the period of the continuing negotiations to achieve a comprehensive political settlement of the conflict in Abkhazia.
2. The parties consider that the maintenance of peace would be promoted by an increase in the number of international observers in the zone of conflict and by the use of international peace-keeping forces, subject to agreement by the Security Council and the Secretary-General.
3. As a gesture of good will, the parties will exchange prisoners of war before 20 December 1993, in accordance with the principle of all for all, without any preconditions. Urgent measures will be taken to find those missing, for which purpose the parties will give each other the appropriate lists. In addition, measures will be taken for the reburial of the dead.
4. The parties consider it their duty to find an urgent solution to the problem of refugees and displaced persons. They undertake to create conditions for the voluntary, safe and speedy return of refugees to the places of their permanent residence in all regions of Abkhazia. The apartments, houses, plots of land and property that they left shall be returned to all those refugees who return.

The parties express the hope for participation by the Office of the United Nations High Commissioner for Refugees in the solution to the problem of refugees.

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5. The parties appeal to the international community to render assistance in re-establishing basic supply systems to the population in the conflict zone and to render to all victims of the conflict various types of humanitarian assistance.

6. The parties express the wish that for purposes of promoting economic recovery in the conflict zone an international commission be established with the participation of international and national organizations.

7. To prepare recommendations on the political status of Abkhazia, a group of experts, including representatives of the parties, the United Nations, the Russian Federation and CSCE will begin work in Moscow in early December 1993. The group will submit its report at the next round of negotiations.

8. The next round of negotiations for a comprehensive settlement of the Georgian-Abkhaz conflict under the aegis of the United Nations, with the Russian Federation as facilitator and with the participation of the CSCE representative, will begin on 11 January 1994 in Moscow or Geneva.

For the Georgian side

(Jaba Ioseliani)

For the Abkhaz side

(Sokrat Jinjolia)

In the presence of:

For the United Nations

(Edouard Brunner)

Russian Federation

(Boris Pastukhov)

CSCE

(Vincenzo Manno)

ANNEX

Letter dated 10 December 1993 from the Minister for Foreign
Affairs of the Azerbaijani Republic to the Chairman of the
Joint Consultative Group of the Treaty on Conventional
Armed Forces in Europe

I am prompted to write to you by my serious concern over the future of the Treaty on Conventional Armed Forces in Europe (the CFE Treaty) given the radically altered military and political situation in Transcaucasia. As you are well aware, the Azerbaijani Republic, which strongly supports the objectives of the Treaty, is doing everything possible for its successful implementation, since it regards that instrument as the basis for the new system of security that is taking shape in Europe.

At the same time, the moment has come to give some thought to adapting the Treaty to the new geopolitical realities, while retaining everything that is valuable and positive for the building of security structures in the "new Europe".

A serious obstacle to the implementation of the Treaty in the territory of Azerbaijan is the aggression against it by Armenia. The illegal movement of personnel, armaments and military equipment, including items limited by the Treaty, from the territory of Armenia through the occupied Lachin, Kelbajar, Kubatly and Zangelan districts of Azerbaijan to reinforce the military units of Armenia's armed forces which are engaging in military action in the territory of my country still continues. It is difficult to speak of the establishment of a regional security system or of comprehensive verification of armaments when a foreign military force armed with a large quantity of heavy weapons and constantly expanding the scale of its military activity aimed at occupying more and more parts of Azerbaijan is present in the territory of sovereign Azerbaijan, which is a Party to the CFE Treaty.

I assume the States Parties to the Treaty share Azerbaijan's view that the Treaty can be implemented only in conditions of peace. This requires the complete demilitarization of the Nagorny Karabakh region of Azerbaijan and the unconditional withdrawal of all foreign military personnel and armaments from Azerbaijan's territory.

With a view to meeting these conditions, Azerbaijan succeeded, with great difficulty, at the beginning of 1993 in including in the mandate of the CSCE Advance Monitoring Group, which was drawn up in the context of the Minsk process for the settlement of the conflict between Armenia and Azerbaijan, a provision concerning mandatory identification of all foreign military personnel and armaments and their withdrawal from the territory of Azerbaijan in cooperation with CSCE or another competent international mission. Armenia, however, which at that time did everything it could to oppose the adoption of such a mandate, is still to this day continuing its aggressive policy against Azerbaijan.

The occupied part of my country, which comprises more than 20 per cent of its territory, is thus outside the zone monitored by international inspections

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under the CFE Treaty and the Vienna document of 1992. Azerbaijan is not at present in a position to determine the quantity of armaments and the number of military personnel in the occupied part of its territory, still less to verify them.

I should also like to draw your attention to the level of effectiveness of the inspections under the CFE Treaty that are conducted in Armenia's territory. The absence from the objects of verification of a specific quantity of armaments and equipment limited by the Treaty, which are in fact being used to wage aggression against Azerbaijan, should presumably attract the attention of the inspection teams in the course of their work in Armenia. In this connection, it is appropriate to recall known cases in which official organs of the Republic of Armenia have placed obstacles in the way of the conduct of international inspections in its territory.

The issue of the reduction liabilities in respect of armaments and equipment in the territory of Azerbaijan merits special attention. In the course of the military action to resist Armenia's aggression, the military equipment of Azerbaijan's armed forces is being destroyed by hostile fire and captured as trophies by the enemy. Azerbaijan has submitted to the Joint Consultative Group data on the extent of its losses of military equipment. In fact, taking these losses into account, Azerbaijan is already at the level it is supposed to achieve when the entire reduction period is concluded.

To sum up, I should like to put forward some concrete proposals which, I am deeply convinced, will strengthen the viability of the Treaty on Conventional Armed Forces in Europe and meet the legitimate security interests of all States Parties to it:

- (i) Azerbaijan proposes to all States Parties to the CFE Treaty the conduct of a comprehensive multinational inspection in the Nagorny Karabakh region of Azerbaijan for the purpose of ascertaining the true state of affairs as regards the presence of armaments and military equipment in that region and their ownership. In this context, on the basis of the principle of openness in international relations, Azerbaijan is prepared to accept such an inspection even if at that time its passive inspection quota has been used up;
- (ii) Azerbaijan calls on the Joint Consultative Group to make its contribution to dealing with the consequences of Armenia's aggression against Azerbaijan by drawing up concrete measures regarding the use for this purpose of the inspection mechanism under the CFE Treaty. This would be yet another step towards strengthening the regime of the Treaty on the European continent, and particularly in Transcaucasia, an important region of its area of application;
- (iii) In view of the military situation in Azerbaijan, and on the basis of the need for the Treaty to face the new realities, Azerbaijan proposes that the Joint Consultative Group begin discussion of the issue of incorporating in its reduction liability the quantity of armaments and equipment destroyed in the course of the military action. Our representatives are ready to provide the necessary information at a

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meeting of the Group. Study of this issue in the Group would naturally take place within the overall context of the search for ways of bringing about the inescapable adaptation of the Treaty to the existing state of affairs on the continent. A just solution to this issue will facilitate the strengthening of agreement among the Azerbaijani public to the further development of cooperation with its partners in CSCE with a view to strengthening stability and security, thus broadening the basis for subsequent measures in the field of arms verification.

I should like to emphasize once again that the CFE Treaty was drawn up for implementation in conditions of peace. The problems indicated above regarding the implementation of the Treaty in Azerbaijan in circumstances of escalating aggression by Armenia against my country can be resolved only in direct association with the process of dealing with the consequences of that aggression.

I assume that the deep attachment of the States Parties to the CFE Treaty to the cause of strengthening security and stability in Europe will permit agreements to be arrived at which take full account of the security interests both of Azerbaijan and, of course, of its neighbouring States.

In view of the inseparable nature of the security of the States Parties to the Treaty and the close relationship between it and security throughout Europe, I count on your understanding and your constructive cooperation with Azerbaijan. I would request you to have this letter circulated to the Joint Consultative Group.

(Signed) Hassan A. HASSANOV

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

1. Welcomes the report of the Secretary-General (S/26872) dated 13 December 1993;
2. Stresses again the importance it places on a peaceful resolution of the conflict in Angola in conformity with the "Acordos de Paz" and relevant resolutions of the Security Council, and urges both parties to continue to demonstrate flexibility in the negotiations and a commitment to peace;
3. Decides to extend the existing mandate of the United Nations Angola Verification Mission (UNAVEM II) until 16 March 1994;
4. Reaffirms its willingness as necessary to review the existing mandate of UNAVEM II to determine whether it is able to carry out effectively its mission, taking account of any progress achieved towards the early establishment of peace in the country;
5. Reaffirms the importance of the functions of good offices and mediation of the Secretary-General and his Special Representative and UNAVEM II, with the goal of restoring a cease-fire and reinstating the peace process for the full implementation of the "Acordos de Paz" and relevant Security Council resolutions;
6. Calls upon both parties to honour the commitments already made by them at the talks in Lusaka, urges them to exercise their maximum restraint and to stop immediately all military actions in order to prevent further suffering on the part of the civilian population of Angola and damage to Angola's economy, and further urges them to agree on the modalities for and establishment of an effective and sustainable cease-fire in accordance with relevant Security Council resolutions and to conclude a peaceful settlement as soon as possible;
7. Requests the Secretary-General to inform the Council as soon as an effective cease-fire is established and in any case by 1 February 1994 on progress made by the parties in the Lusaka talks, including a report on progress achieved in furthering the peace process, establishing an effective cease-fire, and implementing relevant Security Council resolutions and the "Acordos de Paz";
8. Takes note of the steps taken by the Secretary-General to initiate contingency planning for the possible augmentation of the existing components of UNAVEM II for deployment in the event of significant progress in the peace process, and requests him to inform the Council periodically in this regard;
9. Reiterates its readiness, in the event of the achievement of an effective and sustainable cease-fire, to consider promptly any recommendations by the Secretary-General on the basis of that contingency planning;
10. Reaffirms further the need for unimpeded delivery of humanitarian assistance to all civilian populations in need;
11. Welcomes also the actions taken by the Secretary-General to implement the emergency humanitarian assistance plan;

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12. Commends those Member States, United Nations agencies and non-governmental organizations who have already contributed to the relief efforts and strongly appeals to all Member States, United Nations agencies and non-governmental organizations to provide rapidly further assistance to Angola to meet the growing humanitarian needs;

13. Reaffirms the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864 (1993);

14. Decides in view of the direct negotiations under way between the parties not to impose at present the additional measures against UNITA contained in paragraph 26 of resolution 864 (1993), but reiterates its readiness to consider at any time further steps, in the light, inter alia, of a recommendation of the Secretary-General, either to impose such additional measures or to review those in effect;

15. Decides to remain seized of the matter.

6. In accordance with the concept of operations set out in my report of 20 May 1993 (S/25810), UNOMUR has established observation posts at two major crossing sites, at Katuna and Cyanika, and at three secondary sites, at Bigaga, Kafunzo and Lubirizi, on the Ugandan side of the border. The deployment of UNOMUR is shown on the attached map. The mission also monitors the border area through mobile patrols and is planning to enhance its operational capability in the near future with airborne coverage.

7. During the period under review, the border between the two countries has remained largely closed, although some vehicles have been allowed to cross. UNOMUR has facilitated the transit of several vehicles transporting food and medical supplies to Rwanda for the World Food Programme (WFP) and the International Committee of the Red Cross (ICRC).

8. UNOMUR's activities, consisting of surveillance, patrolling and investigations, have been effective both as a deterrent and as interdiction. As a result, clandestine cross-border traffic has decreased appreciably. There now is only restricted movement along previously well-used routes across the border, and no evidence of any significant traffic in armaments. With the arrival of specialized equipment, UNOMUR's surveillance capacity will be further enhanced.

9. The attitude of the civilian and military authorities in the mission area has generally been cooperative. However, there have been a few isolated attempts to curtail the freedom of movement of UNOMUR patrols. Allegations that the Rwandese Patriotic Front (RPF) was gathering troops on the Ugandan side of the border for a possible resumption of hostilities have been carefully investigated, but they could not be substantiated. These investigations have served as a confidence-building mechanism and helped to defuse tension in the border area.

II. ADMINISTRATIVE AND FINANCIAL ASPECTS

10. On 5 October, the Security Council adopted resolution 872 (1993) authorizing the establishment of the United Nations Assistance Mission for Rwanda (UNAMIR). The Council also approved the proposal that UNOMUR be integrated within UNAMIR. However, as the members of the Security Council are aware, Uganda has expressed some concern about the proposed integration. In my last report (S/26618), I informed the Council that I was consulting the Government of Uganda on the modalities of this integration. In the light of these consultations, which were held both in New York and in Kampala, the Under-Secretary-General for Peace-keeping Operations addressed a letter to the Permanent Representative of Uganda on 22 October 1993. The letter confirmed that the proposed integration would be purely administrative in nature and that it would in no way affect the mandate of UNOMUR as set out in resolution 846 (1993). Assurances were also provided that the UNOMUR status-of-mission agreement, concluded on 16 August 1993, remained valid and would continue to govern relations between Uganda and the United Nations in this matter.

11. The total cost of UNOMUR for the period 22 June to 21 December 1993, including pre-implementation costs, has been estimated at \$4,392,900 gross (\$4,308,000 net). This cost estimate takes into account the actual dates of

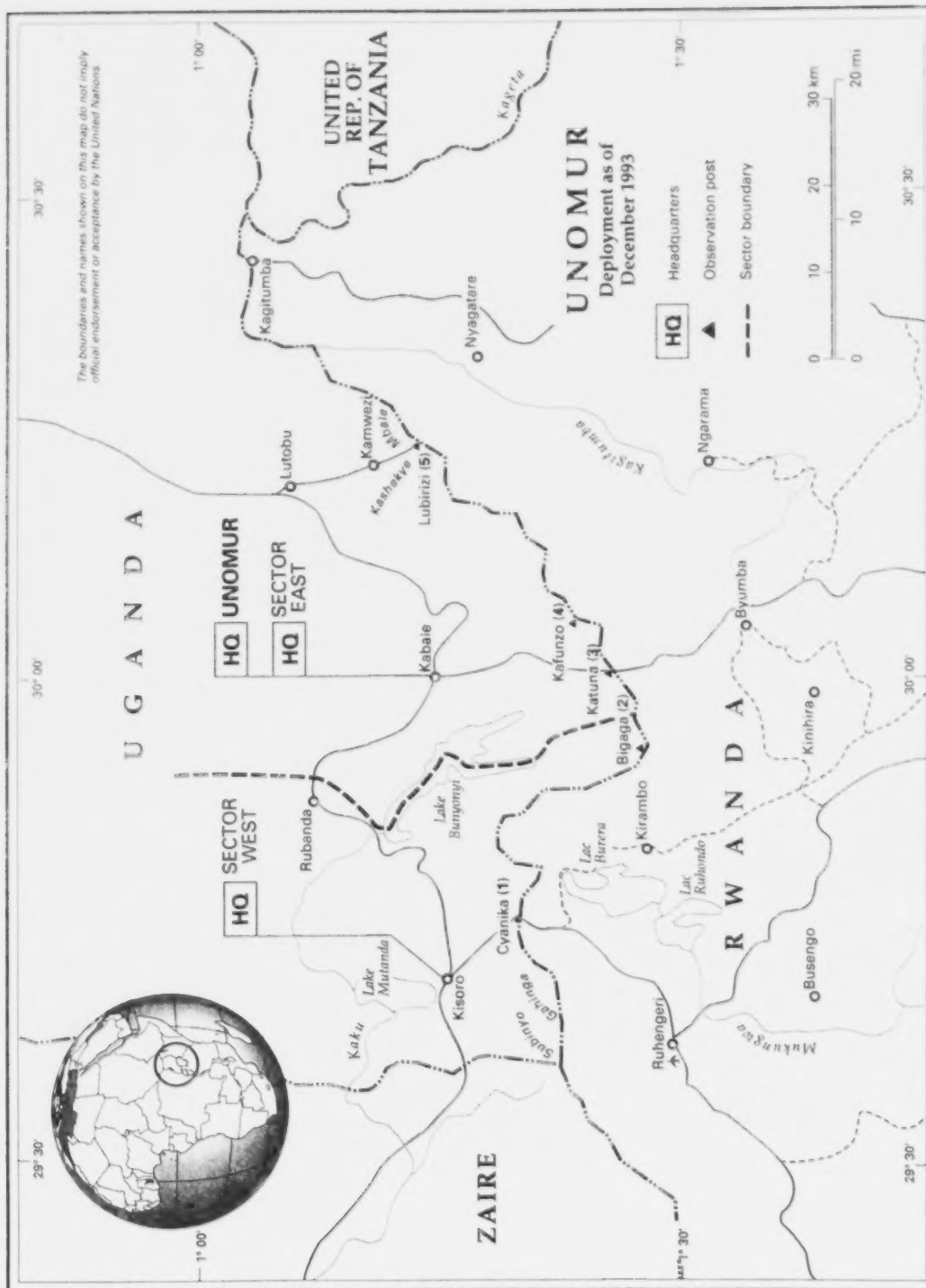
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arrival of military and civilian personnel in the mission area and savings made as a result of redeployment to UNOMUR of equipment from other peace-keeping operations. Should the Security Council decide to extend the mandate of UNOMUR, the costs relating to the activities of the mission for the period beyond 21 December 1993 will be included in my report on the financing of UNAMIR, which is under preparation.

III. CONCLUDING OBSERVATIONS

12. It will be recalled that UNOMUR was established by the Security Council following requests from the Governments of Uganda and Rwanda for the deployment of United Nations observers along their common border (S/25355, S/25356 and S/25797). The establishment of UNOMUR was intended to create an atmosphere conducive to a negotiated settlement of the conflict in Rwanda and to underscore the importance that the international community attaches to the maintenance of peace and security in the region. I believe that UNOMUR has been a factor of stability in the area and that it is playing a useful role as a confidence-building mechanism. It is also my understanding that this view is shared by the Governments of Uganda and Rwanda. I therefore recommend to the Security Council that the mandate of UNOMUR be extended for a period of six months, as envisaged in resolution 846 (1993).

13. In conclusion, I would like to express my appreciation to the Government of Uganda for its cooperation. UNOMUR's ability to discharge its mandate effectively will continue to depend on the assistance and cooperation extended by the Ugandan authorities. I also wish to pay tribute to the military and civilian personnel of UNOMUR for the professionalism with which they have carried out their tasks.



Annex

Statement by the Ministry of Foreign Affairs of the
Federal Republic of Yugoslavia on anti-Yugoslav
Activities conducted by the Albanian authorities

The Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia warns, with great concern, of new waves of the latest militant and warmongering statements coming from Tirana, in line with the continuous anti-Yugoslav activities and the already known frequent slanders. The President of the Republic of Albania, Mr. Saliu Berisha, at a conference of the Democratic Party of Albania, once again called the separatist forces in Kosovo and Metohija to fight for the realization of nationalist aspirations reflected in the creation of "Greater Albania", at the expense of the unity and territorial integrity of Serbia and the Federal Republic of Yugoslavia.

By openly expressing territorial claims towards the Federal Republic of Yugoslavia and other Balkan States in which the Albanian national minority lives, President Berisha threatened to use all available means to prevent "the carving up of Albanian national territories" by which, as is known, he implied all territories inhabited by Albanians.

By fabricating that the threat is coming from Serbia, President Berisha frightens, in a dramatic way, the Albanian and European public with the outbreak of a new Balkan war.

By his public and formal calling for a conflict in Kosovo and Metohija and by Albania's obligation to intervene if this happens, the Albanian President encourages separatists and extremists within the Albanian national minority to commit irresponsible and unlawful acts. In such a way, Albania openly and grossly violates the obligations it has as a member of the international community in its relations with neighbouring countries, to which the international community must respond adequately.

Requests for placing Kosovo and Metohija under United Nations protectorate and North Atlantic Treaty Organization military protection uncover the real nature of Albania's policy towards the Federal Republic of Yugoslavia. This policy, for which President Berisha requests military and political support from foreign factors, is the only real source of threat against stabilization in the Balkans and of an outbreak of new military conflicts.

The calls of the Albanian President for lifting the arms embargo imposed on Bosnian Muslims and his opposition to the lifting of the sanctions against the Federal Republic of Yugoslavia are provocative, and contrary to the efforts and goals of the Geneva peace process and cast full light on Albania's increasingly unscrupulous policy of "fishing in muddy waters" in the Yugoslav crisis.

President Berisha's speech shows that Albania sees in the continuation of war in Bosnia and Herzegovina and in the threat of its expansion to the south of the Balkans a possibility of achieving its goal - unification of all Albanians.

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Therefore, the repeated Albanian assurances that it is concerned about peace are utterly hypocritical and unconvincing.

The Yugoslav side calls once again upon President Berisha and the Government of the Republic of Albania to accept the hand of good-neighbourliness and cooperation, instead of conducting persistent anti-Serb propaganda and political campaigning, playing with fire irresponsibly and resorting to pathetic threats. The Albanian side could contribute to the solution of current problems, and thereby to the strengthening of peace and stability in this part of the Balkans, if it turned to reason and built up normal good-neighbourly relations based on reality.

The Yugoslav side expresses its readiness again to solve all outstanding issues in bilateral relations by peaceful and political means. This is the only sensible and acceptable way to overcome the current tension in mutual relations and to achieve general goals, i.e. the building of greater confidence and stability and the development of cooperation in the region, not the exacerbation of relations and confrontation offered by the Albanian President.

ANNEX

Letter dated 13 December 1993 from Mr. Osman Ertuğ
addressed to the Secretary-General

I have the honour to refer to the unilateral decision adopted by the "EC-Cyprus Joint Parliamentary Committee" at its meeting held in the Greek Cypriot sector of Nicosia between 25-27 November 1993. In the said decision, the Committee, *inter alia*, calls for the designation of an eminent European personality to act as an observer to the intercommunal talks" and "insists that the Council of Ministers decide on this matter before the end of 1993 and that the observer should have a clear mandate to make recommendations with a view to a solution of the Cyprus problem within the basic principles and ideals entrenched in the European Treaties..."

Since, with the letter of my President, H.E. Mr. Rauf R. Denktas, dated 19 November 1993, the negative implications of the designation of an EC observer to the intercommunal talks have already been communicated to Your Excellency, I will not repeat our views on this matter.

It is clear, however, that with this decision of the "EC-Cyprus Parliamentary Committee", the Greek Cypriot side's rejection of a negotiated solution based on the Denktas-Makarios and Denktas-Kyprianou High-Level Agreements of 1977 and 1979, respectively, as well as the parameters which have emerged from the later stages of the negotiations, has once again been confirmed.

With this decision, the Greek Cypriot side makes it clear that the solution it is seeking is not one which will be based on the mutually accepted principles mentioned above, but on those "entrenched in the European Treaties". This approach is totally incompatible with the principles of a bi-communal, bi-zonal federation, which constitute the cornerstone of a negotiated solution in Cyprus. Furthermore, the Greek Cypriot side's attitude

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in this regard is contrary to the principle of a "freely negotiated" solution, also emphasized in Your Excellency's relevant reports, because it means that a solution should be sought not within the framework of the results of direct negotiations between the two sides, but within the context of a multilateral instrument which gave life to a forum of which the two sides are not members.

I shall be grateful if this letter is circulated as a document of the General Assembly, under agenda item 54, and of the Security Council.



(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

ANNEX

Statement of conclusions adopted by the Meeting of the Friends
of Haiti, held in Paris on 13 and 14 December 1993

Representatives of the Friends of the Secretary-General of the United Nations on the question of Haiti (Canada, France, the United States of America and Venezuela) met in Paris on 13 and 14 December in the presence of the Special Representative of the Secretary-General of the United Nations, Mr. Dante Caputo, in order to examine the situation in Haiti and confer on how to ensure the return to constitutional legality in that country.

On this occasion, they heard the Prime Minister of Haiti, Mr. Malval, explain his proposals of 6 December for a national conference and give his views on the evolution of his country. They expressed their gratitude to him for having contributed to the success of their work and welcomed strongly the fact that Mr. Malval will remain acting Prime Minister until his successor has been appointed in accordance with the Haitian Constitution.

They agreed on the following:

1. The process as defined by the Governors Island Agreement, which provides for the return of President Aristide, constitutes the only viable framework for Haiti to emerge from the crisis and to lead to the establishment of a State under the rule of law guaranteeing freedom, security and human rights for all.
2. It is the task of the Haitian parties to work out the procedures and political arrangements required to bring about compliance by both sides with their obligations under the Governors Island Agreement and the broader objective of national reconciliation it envisions. The Friends are committed to facilitate this essential task. Mr. Malval's ideas about a national conference offer a practical way to address this issue.
3. The Friends remind both signatories of their obligation under the Governors Island Agreement to implement their commitments related to points 5 (c) to 9 of this accord. In accordance with the relevant resolutions of the United Nations Security Council, they consider that the sanctions should be suspended only when the military authorities in Haiti have:
 - (a) Created the proper environment for the deployment of the United Nations police and military cooperation mission;
 - (b) Created the proper environment in which legislative actions called for in the Governors Island Agreement can be taken;
 - (c) Facilitated the changes in the leadership of the police and military called for in the Governors Island Agreement;
 - (d) Created the proper environment for the return of the democratically elected President and maintenance of constitutional order.

The Friends recognize that the successful completion of some of the steps provided for in the Governors Island Agreement requires the active cooperation of parties other than the Haitian military authorities. The sanctions adopted by the Security Council are based solely on the failure of the Haitian military authorities thus far to fulfil their commitments. Accordingly, should the Haitian military in good faith take all necessary action within its capacities to bring about the fulfilment of the Governors Island Agreement, as outlined above, the sanctions should be suspended regardless of the actions of other parties. However, should the Haitian military fail to act in good faith to fulfil its obligations, the sanctions should be maintained regardless of the compliance of the other parties.

4. If the military fails to comply with its obligations, the Security Council should meet to consider additional measures, including making the embargo already applied by the Organization of American States universal and mandatory, applying further sanctions against the main supporters of the military authorities and banning non-commercial flights into and out of Haiti. They welcome additional national measures to support this objective.

5. A high-level mission from the Friends including military officers, shall travel to Haiti to transmit this message of resolute determination to the Haitian military authorities.

6. The Friends are determined to ensure the full respect of the present sanctions arrangements. They welcome the continuation of the international cooperation for naval enforcement of the present measures and note the special situation of the Dominican Republic; they offer their availability to assist this country to ensure that the sanctions are fully respected.

7. The Friends have decided to intensify their cooperation to deter the use of the Haitian territory by international drug traffickers.

8. Aware of the suffering of the Haitian people caused by the continued intransigence of the military, the Friends are committed to continue to provide and intensify their humanitarian aid to people in need and urge the international community to join their efforts.

9. They call for the redeployment of the International Civilian Mission to Haiti as soon as conditions permit.

10. The Friends call for the establishment by the United Nations of an active communication campaign, which would include a study for the establishment of a radio station directed at promoting democracy in Haiti.

11. The Friends thank the Secretary-General of the United Nations, the Secretary General of the Organization of American States and their special envoy, Mr. Dante Caputo, for their untiring efforts and reaffirm their full support to them.

A/48/766
S/26881
English
Page 4

12. The Friends will inform President Aristide of their positions.
13. The Friends shall meet as required, at ministerial level if necessary.

(b) Southern region: 34 sorties, flown at speeds of 600-900 km/h and at altitudes of 5,000-8,500 m, centred on Nasiriyah, Samawah, Salman, Qurnah, Jalibah, Qal'at Salih and Busayyah.

4 December 1993

(a) Northern region: No hostile activity was recorded in the northern region on 4 December 1993.

(b) Southern region: 60 sorties, flown at speeds of 600-900 km/h and at altitudes of 4,500-8,000 m, centred on Basra, Qal'at Salih, Nasiriyah, Samawah, Busayyah and Jalibah.

- At 1220 hours, a United States TR-1 reconnaissance aircraft violated Iraqi airspace, flying at a speed of 600 km/h and at an altitude of 20,000 m over Qurnah, Qal'at Salih, Nasiriyah and Samawah. It departed at 1455 hours, heading in the direction of Saudi Arabian airspace.

5 December 1993

(a) Northern region: 20 sorties, flown at speeds of 600-900 km/h and at altitudes of 5,000-9,500 m, centred on Mosul, Irbil, Dohuk, Zakho, Sinjar, Amadiyah and Tall Afar.

(b) Southern region: 55 sorties, flown at speeds of 600-900 km/h and at altitudes of 6,000-9,000 m, centred on Basra, Nasiriyah, Amarah, Samawah, Shatrah, Qurnah, Busayyah, Salman and Artawi.

6 December 1993

(a) Northern region: 32 sorties, flown at speeds of 600-900 km/h and at altitudes of 6,500-8,000 m, centred on Mosul, Irbil, Dohuk, Tall Afar, Amadiyah and Zakho.

(b) Southern region: 58 sorties, flown at speeds of 600-900 km/h and at altitudes of 6,000-9,000 m, centred on Basra, the area south of Najaf, Qal'at Salih, Samawah, Jalibah and Busayyah.

7 December 1993

(a) Northern region: 24 sorties, flown at speeds of 600-900 km/h and at altitudes of 6,000-8,000 m, centred on Mosul, Irbil, Dohuk, Zakho, Tall Afar, Ayn Zalah and Amadiyah.

(b) Southern region: 57 sorties, flown at speeds of 600-900 km/h and at altitudes of 6,000-9,000 m, centred on Basra, Qurnah, Qal'at Salih, Nasiriyah, Samawah, Jalibah, Busayyah and Artawi.

8 December 1993

(a) Northern region: 22 sorties, flown at speeds of 600-900 km/h and at altitudes of 4,500-8,000 m, centred on Mosul, Irbil, Dohuk, Zakho, Tall Afar, Amadiyah and Ayn Zalah.

(b) Southern region: 53 sorties, flown at speeds of 600-900 km/h and at altitudes of 5,000-8,500 m, centred on Basra, Nasiriyah, Samawah, Amarah, Salman, Lasaf, Ushbayjah, Busayyah, Jalibah and Artawi.

- At 0925 hours on 8 December 1993, a United States TR-1 reconnaissance aircraft violated Iraqi airspace, flying at a speed of 600 km/h and at an altitude of 20,000 m over Irbil, Zakho, Dohuk, Aqrah, Dukan and Ayn Zalah. It departed at 1147 hours, heading in the direction of Turkish airspace.

9 December 1993

(a) Northern region: 28 sorties, flown at speeds of 600-900 km/h and at altitudes of 7,000-8,500 m, centred on Mosul, Irbil, Tall Afar, Dohuk, Zakho, and Amadiyah.

(b) Southern region: 72 sorties, flown at speeds of 600-900 km/h and at altitudes of 5,500-8,500 m, centred on Nasiriyah, Basra, Amarah, Salman, Shatrah, Artawi and Busayyah.

- At 1625 hours on 9 December 1993, a hostile formation, flying at an altitude of 7,000 m dropped a heat flare to the north of the Saddam Dam in Ninawa Governorate.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

S/26883
English
Page 2

role in the election process in South Africa (S/26785). Accordingly, and pursuant to Security Council resolutions 765 (1992) and 772 (1992) and taking into account the progress achieved in the peace process including the establishment of the Transitional Executive Council on 7 December 1993, I now intend to appoint as my Special Representative for South Africa Mr. Lakhdar Brahimi, former Minister of Foreign Affairs of Algeria, with immediate effect, to assist me in the implementation of the relevant Security Council decisions and resolutions concerning that country. Mr. Brahimi will also coordinate with other international observers for the elections as mentioned in the declaration of the Transitional Executive Council. In recent discussions with me, both Foreign Minister R. F. Botha and Mr. Nelson Mandela have welcomed my suggestion to appoint a Special Representative as soon as possible in order to facilitate the peace process.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

S/26887
English
Page 2

in existence and that Iraq's unconditional acceptance of resolution 687 (1991) was only a cover to hide Iraq's real intentions.

Accordingly, we believe that it is incumbent on the Security Council, on the basis of its responsibility to ascertain that its resolutions, particularly those adopted under Chapter VII of the Charter, are fully respected and implemented, to take appropriate measures and to demand that Iraq affirm its respect for and implementation of paragraph 2 of resolution 687 (1991) and Security Council resolution 833 (1993). Without such compliance by Iraq, Iraq can absolutely not be deemed to have fulfilled its commitments under resolution 687 (1991), not to mention the essential requirement thereof, namely, respect for Kuwait's sovereignty and independence.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Ambassador
Permanent Representative

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Annex

Al-Dustur, Sunday, 14 November 1993 - No. 9422, Vol. 27

"How do you view Kuwait today? Is it still a part of Iraq? What is your position exactly?"

"The major Powers may change geography, but they cannot change history. This is not an emotional observation; the examples are numerous. Take the Palestinian issue, for example. However many partial solutions there are, they do not mean an end to the issue or an end to Palestine is finished. China did not forgotten Formosa. Western Germany did not forget East Germany. And Kuwait was a part of Iraq."

Annex

Al-Sha'b, 24-150

The Minister of Information of Iraq pointed out that the major Powers could change geography but could not change history and that that was a fact and the examples were numerous. Why did Japan not forget its islands in Russia? Why did West Germany not forget East Germany? "The issue is not Kuwait but the fact that Kuwait was a part of Iraq until 1961, when the British made it a State, and that situation persisted until 1990.

"What happened was that the boundary with Kuwait was not demarcated during the British mandate, as is evident from the fact that Kuwaiti passports were issued from the Matla' area, which is 80 kilometres distant from Safwan. What also happened, however, was that a part of Iraq was severed and used against the motherland, Iraq. Prior to 1989, when Iraq was busy with its war with Iran, the Kuwaitis were asking Iraq for demarcation of the boundary, and when Iraq made the same request, after this date and after the victories which it had achieved over Iran ...".

ANNEX

Statement issued on 22 October 1993 by the Federal Ministry
of Foreign Affairs of the Federal Republic of Yugoslavia
concerning the circulation of "The Report of the Council
for the Protection of Human Rights and Freedoms of the
Republic of Kosova" by the Permanent Mission of Albania to
the United Nations

I

Interference in internal affairs of the Federal Republic of
Yugoslavia by the Republic of Albania

The Mission of the Republic of Albania to the United Nations circulated, on 15 September 1993, "The Report of the Council for the Protection of Human Rights and Freedoms of the Republic of Kosova" as an official document of the General Assembly and Security Council of the United Nations (A/48/395-S/26439). Circulation of the material of the illegal "Council of the non-existing "Republic of Kosova" by the Mission of the Republic of Albania to the United Nations is along the lines of the recognition of the non-existing "Republic of Kosova" by the Republic of Albania and constitutes an act of overt interference in the internal affairs of a sovereign State, the Federal Republic of Yugoslavia in this case, since the Republic of Albania has thus taken upon itself to represent the non-existing "Republic of Kosova". As is well known and recognized by the entire international community, Kosovo and Metohija is an integral part of the Republic of Serbia and the Federal Republic of Yugoslavia. Support by the official Albanian authorities to the so-called "Republic of Kosova", by circulating their propaganda material such as this report and other papers, constitutes the policy of a formal recognition of the non-existing "Republic of Kosova" directed expressly against the territorial integrity and sovereignty of the Federal Republic of Yugoslavia. Such direct support to the secessionist movement of the Albanian national minority in Kosovo and Metohija is contrary to the basic principles of the Charter of the United Nations, the Final Act of the Conference on Security and Cooperation in Europe (CSCE) and the Paris Charter. In this way, under the pretext of the protection of human rights of the Albanian national minority in Kosovo and Metohija, the Republic of Albania is trying to achieve its well-known expansionist goals which, in the final analysis, boils down to the creation of "Greater Albania" at the expense of the territory of a neighbouring sovereign State, the Federal Republic of Yugoslavia. Such a policy of the Republic of Albania has a very negative impact on the bilateral relations between the Federal Republic of Yugoslavia and the Republic of Albania and is fraught with a great danger for peace and stability in the region, for which the Government of the Republic of Albania bears sole responsibility.

The Government of the Federal Republic of Yugoslavia demands that the Mission of the Republic of Albania to the United Nations discontinue the practice of circulating materials of the so-called "Republic of Kosova" and that the Republic of Albania abandon its policy of supporting Albanian secessionists in Kosovo and Metohija and of recognizing the non-existing "Republic of Kosova".

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II

Status of the so-called "Council for the Protection of Human Rights and Freedoms of the Republic of Kosova"

The so-called "Council for the Protection of Human Rights and Freedoms of the Republic of Kosova" whose report was circulated by the Mission of the Republic of Albania to the United Nations is an illegal entity, since it is not registered by the competent State organs of the Republic of Serbia and the Federal Republic of Yugoslavia as an association of citizens or a political party, although the regulations in force allow of the registration of political parties or associations of citizens whose activities or programmes encompass the protection of human rights and freedoms. For example, "The Movement for the Protection of Human Rights", in Belgrade is duly registered as a political party. Accordingly, despite broad possibilities provided for by law for establishing and organizing such association, the founders of this "Council" did not consider it necessary to register it as necessary whereby they snub and refuse to recognize the legal organs and laws of the State they live in.

III

Allegations contained in the "Report"

1. This "Report" is, obviously, far from being humanitarian and being aimed at protecting human rights; it is political by nature and is aimed at creating a semblance that members of the Albanian national minority are persecuted and detained (as averred to in the annex, p. 1, under A Statement) by the State authorities of the Republic of Serbia. This is an outright lie. There is no campaign of arrests in Kosovo and Metohija. In Kosovo and Metohija, just as in any part of the world, the police are doing their job: they fight arms smuggling and illicit drug trade and prevent terrorist actions and murder of police officers and other crimes.

The "Report" goes on to say that the arrested persons are labelled terrorists without any reason or evidence, that the due process of law is not complied with, that the arrested persons are ill-treated and that the entire chauvinist campaign is prepared by "this totalitarian regime" (the Serbian regime in Kosovo).

No arrested or detained member of the Albanian national minority in Kosovo and Metohija has ever been labelled a terrorist. Under the Yugoslav law, criminal proceedings can be instituted against any person, including a member of the Albanian national minority, if there exists a reasonable doubt that he/she committed a criminal offence. He/she is considered innocent until proven guilty by a valid decision of a court of law.

Physical force is not used at investigation or arrest, except in cases when so required by law (resistance and attack against police, an attempt to escape), while excessive force is punishable by law. In this context, it should be said that this year alone a number of police officers have been attacked by members of the Albanian national minority in Kosovo and Metohija on numerous occasions and several of them have been killed or wounded.

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No chauvinist campaign is being conducted in the Federal Republic of Yugoslavia or the Republic of Serbia. On the contrary, everything is done in the Republic of Serbia in order to guarantee and ensure the rights and equality of all citizens, regardless of their nationality, religion, sex or race, in accordance with the Charter of the United Nations and other international instruments. The same applies to the members of the Albanian national minority. The Constitution and laws of the Republic of Serbia guarantee them the following:

- (a) Existence of the Autonomous Province of Kosovo and Metohija as a form of territorial autonomy, alongside respect for their national, historical and cultural specificities;
- (b) Use of their language;
- (c) Education up to the Ph.D. level in their own language;
- (d) Information system in the Albanian language;
- (e) Equal health care;
- (f) Participation in federal, republican, provincial and local elections and other rights.

However, a large number of members of the Albanian national minority in Kosovo and Metohija refuse to exercise these rights, because of the deleterious policy of their separatist leadership. Thus, for example, members of the Albanian national minority did not participate in the last elections, forfeiting the opportunity to elect at least 30 deputies to federal and republican Parliaments and to form provincial and local governments in the Autonomous Province of Kosovo and Metohija. Besides, they refuse to send their children to school and to get them enrolled in the University, although the education is in the Albanian language. a/ The Government of the Republic of Serbia and other organs have repeatedly called upon members of the Albanian national minority to engage in a dialogue, but they have always refused that call.

At its session on 27 November 1992, the National Assembly of the Republic of Serbia adopted the Declaration on Human and Minority Rights, which expresses loud and clear the aspirations of the Republic of Serbia to ensure coexistence of all its citizens and calls once again on the members of the Albanian national minority to participate in the work of all institutions and to exercise their rights. At the same time, the Declaration condemned the behaviour of the Republic of Albania, which is doing everything to set the Albanian national minority in the Federal Republic of Yugoslavia against the country it lives in, which formally supports all acts of secession and encourages other countries to do so. This act, that is, the request to the United Nations Secretary-General to include the report of an illegal entity in the agenda of the General Assembly and Security Council, confirms this fact as well.

2. Bearing that in mind, the Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia has no intention to engage in polemics with an illegal and non-existing "Council" and to deal with each individual case

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mentioned in the "Report", based mainly either on the misrepresentation of facts, half-truths or on abuses of some unfortunate incidents.

A file is kept on each individual case with the competent judicial and police authorities, so that the following has been established on the basis of these files:

(a) On the basis of an in-depth analysis of the cases listed in the annex, under A. Statement, pp. 1 and 2), it has been established that a large quantity of weapons, ammunition, explosives, bombs, etc., were found on, and seized from, those persons. The said persons, members of illegal hostile organizations (the National Movement for the Republic of Kosovo and the National Movement for the Liberation of Kosovo) had long prepared and carried out terrorist actions against the constitutional order of the Federal Republic of Yugoslavia, aimed at seceding the territory of Kosovo and Metohija, inhabited by members of the Albanian national minority, from the Federal Republic of Yugoslavia and establishing a separate State or annexing the Province to the Republic of Albania. The said persons were military instructors and organizers of para-military forces, which they prepared for armed rebellion. Also listed in the "Report" are the persons against whom, it has been established, no measures have been taken. Obviously, they have been included in such lists to create an impression in the international community that mass repression is taking place in Kosovo and Metohija. This is the case of Ajshe Berisha from Peć against whom no measures were taken by the police.

(b) As to the list of persons who allegedly died from torture or were killed by the Serbian police and military (annex, under A. Statement, pp. 2 and 3), it can be easily established that the facts are distorted or misrepresented. Thus, for example, no measures were taken against Grisha Kamberi (under 11) who, according to the statement of her son and the report of the competent medical institution, died of apoplexy.

Some persons (e.g., Afrim Hyseni, Sejdi Tahiraj and Sefedin Tahiraj - under 4, 7 and 8) were killed during armed attacks on police patrols on regular duty. In these cases, there were casualties among police officers too, as a consequence of the brutality of the attacks.

In some cases, deaths were caused accidentally. Thus, for example, Misreta Shala-Vranovci (13) was killed in the fire arms incident at a wedding party. It is assumed that the perpetrator has been arrested and that criminal proceedings have been instituted against him.

A common feature of all these cases is that in no one of them it was ascertained that the death of the persons involved occurred as a consequence of measures, actions or excessive force applied by the police. This is borne out also by the fact that no relative or any other person requested clarification of the events suspecting doubtful circumstances.

3. A similar method of using falsehoods, accidents or misrepresentation of regular police work, usual throughout the world, is used also in the text "B. Reports" in order to back up the allegations about the repression of the police and State officials of Serbia against members of the Albanian national

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minority in Kosovo and Metohija. Thus, for example, on page 18, "AUGUST 28", it is said that Saim Kurti from Kapra near Dragas was sentenced by the Magistrate to 30 days of imprisonment. However, an inquiry with the competent Magistrates in Dragas and Prizren has established that the person with such a name was not even registered. Or, on the same page, it is said that "Serbian officials of Investigation in Kosova are still silent about the assassination of the 16 year old boy Safer Cukovci". This is not true since criminal proceedings have been instituted against police officer Dragiša Spasić, who was charged with murder.

The callousness of the authors of the "Report" and the extent to which they go in misrepresenting facts is best illustrated by the following example: the "Report" enumerates a number of cases of the seizure of goods from members of the Albanian national minority by the financial police. However, the following data reveal the relativity of this accusation: in August 1993, the financial police of the Republic of Serbia seized the goods valued at DIN 934,008 billion. Out of this amount, the goods valued at DIN 558,935 billion were seized in the Kragujevac region, while the value of goods seized in Kosovo and Metohija amounted to DIN 103,555 billion. This leads to the conclusion that the financial police have carried out their duty according to the law rather than according to the nationality of the owners of the seized goods, so that Serbs ended up being punished more severely than members of the Albanian national minority.

4. The above cases are telltale proof that, rather than terrorizing or mistreating members of the Albanian national minority, the judicial and State organs of the Republic of Serbia in Kosovo and Metohija maintain and protect the public law and order and the safety of the property and personal integrity of all citizens in Kosovo and Metohija, irrespective of their nationality. The measures and actions taken are warranted by great quantities of firearms illegally possessed primarily by members of the Albanian national minority which, due to frequent abuses, constitute a constant threat to peace and security in this Province and to its citizens. As an illustration, in the first nine months of 1993 about 100 automatic and semi-automatic rifles, over 850 of other rifles, 156 bombs, over 1,450 pistols and revolvers, over 20,000 ammunition pieces and over 300 cold weapons and other dangerous and explosive devices were seized. In such actions, law has been scrupulously observed vis-à-vis all transgressors and no discrimination has been done against any national group, Albanians included.

Parallel to a wide international propaganda campaign of Albanian nationalists and separatists aimed at discrediting the authorities in Kosovo and Metohija, the police in particular are a frequent target of outright terrorist acts in Kosovo and Metohija. In the first nine months in 1993 alone, 52 attacks have been carried out against police officers on regular duty. Two police officers were killed in these attacks, 13 seriously and 12 lightly wounded. Firearms were used in 10 attacks; there were 36 physical assaults, while in other attacks, weapons and other dangerous implements and devices were used.

In this context, it is pointed out that enforcement measures are used very selectively and only when other measures are insufficient to protect the lives and safety and property of citizens.

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Given the overall situation in Kosovo and Metohija, instances of excessive force occurred on rare occasions, but all such instances have been investigated and appropriate legal measures have been taken against the perpetrators. In addition to the already mentioned case of Safer Cukovci, another case in point is that of Arif Mehmet Krasniqi (p. 3, under 12), in which a police officer was tried for the use of excessive force. What is important, however, is that no attempts are made to cover up such rare cases and that legal measures are taken against the perpetrators. However, it is obvious that these isolated cases are misrepresented as police torture. Such behaviour prevents investigation of the cases that might be justifiable on the strength of objective reasons and reliable facts and circumstances.

IV

Unlike the Albanian national minority in the Federal Republic of Yugoslavia, members of national minorities in Albania enjoy no rights whatsoever; they are not allowed to use their mother tongue before State organs, in the media and in communications outside their homes and families. National minorities in Albania have no right to education in their mother tongue, while practice of their religion was prohibited by decree and Orthodox churches and cemeteries are by and large destroyed. Not only was the observance of national traditions prohibited, but the citizens were enjoined to change their own names which were considered inappropriate from the political, moral and ideological point of view, while place names were changed if they had religious content. The post-1990 democratization is confined by and large to the sphere of theoretical discussions or general legislation which were not translated into concrete laws on the rights of national minorities.

According to the 1989 census in Albania, there are only 100 persons of the Slav origin. If these data are correct, it is unclear from where over 1,000 Serb refugees from Albania came to the Federal Republic of Yugoslavia last year. Whereas the number of Serbs and Montenegrins in Albania is continuously declining, the number of Albanians in the Republic of Serbia has tripled since 1945, which also explains the policy of the Federal Republic of Yugoslavia towards national minorities.

This, too, is eloquent proof that, while professing to be greatly concerned over the rights of the Albanian national minority in the Federal Republic of Yugoslavia, Albania grossly violates and refuses to recognize the rights of the Serb, Montenegrin and other minorities in its territory.

Notes

a/ For example, before the boycott of the education and media system practised by the Albanians as political blackmail, 314,218 students studied in 904 elementary schools in the Albanian language in Kosovo and Metohija, in 69 secondary schools 73,271 and at the University, 25,444.

Annex

Letter dated 21 December 1993 from the Secretary of the
General People's Committee for Foreign Liaison and
International Cooperation of the Libyan Arab Jamahiriya
addressed to the Secretary-General

I am pleased to take the opportunity of the advent of Christmas and the Christian New Year to send you my best wishes and warmest felicitations and to pray God Almighty to make this a happy occasion with the people of the world enjoying peace and security.

Permit me to recall once again on this occasion the harm suffered by the Libyan Arab people as a result of the unjust sanctions imposed on it by the resolutions of the international Security Council in a case that is now five years old and in which the charge is still unproven. Perhaps the best evidence of that is what is currently being circulated in the Western media, for example, in the book by the former United States Intelligence officer Tracking the Octopus or the statements by the director of the Swiss electronics company demolishing the main foundation on which the charge against the two nationals of the Jamahiriya was based.

On this occasion, I should like to affirm my country's position, which is based on the need to arrive at the truth in this matter with the necessary speed through a just and fair trial in a neutral country. This accords with what I stated in my letter to you dated 8 December, which set forth the efforts and initiatives being undertaken both by the fraternal Republic of Tunisia and the fraternal Arab Republic of Egypt.

I should also like you to do everything in your power to prevail upon the Western parties to accept our proposals promptly, for the sake of the victims' families and the Libyan Arab people, in the hope that the international Security Council will lift all the sanctions currently imposed on it as soon as it becomes cognizant of our efforts to arrive at a final solution of this problem, one that will serve international legitimacy and the interests of all parties.

Undoubtedly, your efforts will greatly influence arrival at a reconciliation between the principles of international law and the United Nations Charter and respect for the national sovereignty of States, and the peaceful termination of this crisis as soon as possible.

In conclusion, may I convey to you our gratitude and appreciation for the efforts that you have made in this case.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Omar Mustafa EL-MUNTASSER
Ambassador
Permanent Representative

Annex

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(Signed) Omar Mustafa EL-MUNTASSER
Secretary of the General People's Committee for
Foreign Liaison and International Cooperation

Annex

Statement by the Permanent Representative of the Republic of
Tajikistan to the United Nations, Ambassador L. K. Kayumov,
at the second forum on Tajikistan held in Washington on
13 December 1993

It is both a pleasure and a great honour for me to speak before you and to share with you my thoughts on the situation in my country, where significant events are under way and new trends are emerging in political, social and economic life and legislative activities. These are profoundly influencing the destiny of the courageous and hard-working Tajik people, with their rich history and culture. All hopes are pinned, first and foremost, on the wisdom of the Tajik people, who support the main principles of the report by the Secretary-General of the United Nations entitled "An Agenda for Peace" (A/47/277-S/24111), in which protection of human rights is defined as a vital element of peace, security and economic prosperity and emphasis is placed on the importance of preventive diplomacy.

Today, at this forum devoted to Tajikistan, the central issue will be the promotion of human rights and fundamental freedoms. I wish to take this opportunity to inform you that the Head of State and Chairman of the Supreme Council of Tajikistan, His Excellency Mr. Emomali Rakhmonov, conveyed a personal message to the Secretary-General of the United Nations, His Excellency Mr. Boutros Boutros-Ghali, on the occasion of the forty-fifth anniversary of the Universal Declaration of Human Rights. I would ask that the text of this letter be transmitted to the Chairman of our forum and circulated as an official document.

Nevertheless, I consider it my professional duty to draw your attention to the words of the Head of State of Tajikistan warning that, during the fratricidal civil war in our country, "the most basic human right - the right to life - was threatened". He goes on to observe that the Parliament of Tajikistan has ratified the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. I can add that, on the eve of Human Rights Day, on 7 December 1993, my country adhered to the Geneva Convention of 28 July 1951 and the New York Protocol of 1967 relating to the status of refugees.

On the subject of human rights, the leader of Tajikistan stresses that the international community now faces the task of establishing a mechanism for monitoring the observance of human rights and that in this connection Tajikistan supports the efforts of the United Nations, the Conference on Security and Cooperation in Europe (CSCE) and other international organizations and intends to participate actively in that process.

This undertaking requires extremely serious and careful attention, based primarily on the principles of non-selectivity, objectivity and impartiality and the recognition that the Tajik people have their own interests and corresponding specific national characteristics. As Mr. Rakhmonov says in his letter addressed to the Secretary-General of the United Nations, "We by no means

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consider that we have exhausted all the possibilities for guaranteeing human rights and freedoms in Tajikistan. He goes on to reaffirm his hope for assistance from the United Nations and the Centre for Human Rights.

The policy of adopting decisions in a peaceful manner, through a process of negotiations, discussions and deliberations, as well as political and diplomatic initiatives, is undoubtedly the right path and one which we are endeavouring to follow: this is our policy, one in which reason prevails. Once again, I wish to ask you all to take into consideration the historical aspects, the cultural and religious traditions and the political, social and economic situation of Tajikistan, a country whose political structures have only just started to take shape. In recent months new parties have come into being: the People's Party of Tajikistan, the Economic and Political Renewal Party and the Free Labour Party.

It is self-evident that the restoration of multi-party democracy and respect for fundamental human rights do not automatically mean that we have solved all our problems.

In order to restore the democratic process and law and order in the country, the population of Tajikistan and its legitimate Government have had to make great sacrifices.

We would like to know that we can count on your support at this decisive and difficult stage, which should lead to the substantial improvement of social and economic conditions in Tajikistan, where a policy of national reconciliation will be implemented and rights and freedoms will flourish.

We recognize that peace is invaluable and that its attainment necessitates dialogue and reconciliation, without which the process of transition cannot lead to stable democracy.

We shall make use of the immense possibilities available to us today to build a new Tajikistan, the Tajikistan for which so many generations of my ancient nation have yearned.

In our path there lie many obstacles and unknown dangers. The task of overcoming them with the fewest possible costs, errors and losses is one of supreme importance, a task which history itself has set before my nation.

We are fully aware that we are at a very painful stage of development and we know what we must do if we are to pull through it. The leaders of Tajikistan are filled with determination to carry out democratic transformations in the country, to accept and respect each person's choice of world-view, religion, ideology and politics, as the inalienable right of the individual. We are ready to enter into dialogue with all the social forces in the country in order to achieve national reconciliation, civil concord and stability in Tajikistan. In short, we are in favour of constructive cooperation with forces of any political orientation which respect universally accepted standards of democracy. Our position was reaffirmed in the strongest terms by the Head of State and Chairman of the Supreme Council of Tajikistan, Mr. Emomali Rakhmonov, in his statement on 30 September 1993 at the forty-eighth session of the General Assembly of the

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United Nations, as well as in his statement on 24 October in Dushanbe, during the activities held in the Republic to mark United Nations Day.

"We shall hold constructive dialogue with all opposition parties and movements who are ready to cooperate with the country's leaders for the attainment of civic accord, peace, the reconstruction and development of the economy and the recovery of Tajikistan from its severe economic crisis." With these words Mr. Abdumajid Dostiev, First Vice-Chairman of the Supreme Council of Tajikistan closed the first session of the Parliamentary Commission for Cooperation with Public Organizations on 30 November 1993 in Dushanbe. The Commission intends to cooperate more closely with public associations both inside and outside Tajikistan.

Working groups with broad mandates have been set up to tackle these issues. They have been authorized by the Government to hold talks with representatives of the opposition both in the countries of the Commonwealth of Independent States and in other foreign countries, to conduct explanatory work among Tajik refugees outside Tajikistan and to facilitate their return home. In Moscow there is a Working Commission of the Supreme Council responsible for organizing meetings and negotiations with representatives of the opposition and with citizens of Tajikistan living in the Russian Federation. Mr. Dostiev, as Chairman of the Commission, will personally participate in the negotiations. The Vice-Chairman of the Supreme Council of Tajikistan, has stated: "We will not overlook the Russian-speaking population, for whom Tajikistan has been home for many long years. We will do everything necessary for their return to Tajikistan."

I would like to take this opportunity to inform other participants in the forum that, in close consultation with leading foreign specialists, we have effectively concluded work on drafting the new constitution of Tajikistan and an electoral bill, the relevant articles of which have been drafted directly in line with the fundamental principles of the Final Act of the Helsinki Conference and the Charter of Paris. These drafts, which have been submitted for expert appraisal to the Centre for Human Rights in Geneva, naturally take due account of the specific characteristics of Tajikistan itself and the experience of other countries. The Chairman of the Council of Ministers of Tajikistan, His Excellency Mr. Abdumalik Abdulajanov, says that the main objective is to create a flourishing society and economy by strengthening national independence, sovereignty, human rights and democracy. He also stresses that we wish to build a society in which people would enjoy a decent standard of living and their civil, political, social, economic, cultural and religious rights would be safeguarded.

As you can see, Tajikistan's leaders, notwithstanding the enormous pressure of political, social and economic problems, are holding fast to their chosen course of constructing a truly democratic and secular State based on the rule of law. In early November 1993, Mr. Rakhmonov, in his capacity as a citizen and people's deputy of Tajikistan, appealed to the Supreme Court of Tajikistan to show clemency to the poet Bozor Sobir, whose personal exhortations, in conjunction with the efforts of his pseudo-democratic confederates, had helped cause the outbreak of civil war, asking the Court, as far as possible, to devise some form of punishment for him which did not involve actual detention. On

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5 November, the judicial authorities also released from custody another defendant, Ms. O. Bobonazarova, one of the opposition activists.

With the support of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the authorities of the Islamic Republic of Afghanistan, every possible effort is being made to encourage the voluntary return from Afghanistan of the tens of thousands of Tajik refugees who have ended up there as a result of the fratricidal war in Tajikistan.

In accordance with international law on the status of refugees, the Tajik authorities are making every possible effort to ensure the return from Afghanistan of all refugees. Approximately 90 per cent have come home during the last two months. The most rigorous administrative and judicial proceedings will be instituted against any officials who fail to implement the government programme for the social and economic support of returnees. The primary concern will be to ensure their safety and to provide them with minimum living conditions.

I must inform you that the plight of thousands of Tajik refugees has become desperate. More than 10,000 returnees living in the Kumsangir, Bakhtar and other districts of the south of Tajikistan are homeless and have been accommodated in unheated club-houses, mosques and tents.

There are also extremely acute problems with food. In contrast to their fellow villagers, the returnees do not have subsidiary farm plots and the local food shops are completely empty.

Because of the lack of the necessary resources, implementation of the government programme to issue lump-sum grants of 200,000 roubles per family is extremely slow. In addition, to date one third of the able-bodied refugees are still without work and are receiving no unemployment benefit. We are grateful to the international community, to donor countries, and above all to the Clinton administration and non-governmental organizations in the United States of America, for the humanitarian and emergency assistance they have provided for the population of Tajikistan afflicted by the civil war.

To our great regret, there are still instances of the harassment of returnees and looting by armed bands which are not under the control of the Government: in a period of three months 20 returnees have been killed and a number of people are missing.

But this is only part of the overall, very complex, highly mobile and extremely contradictory picture of developments. Another aspect, and one which is extremely disturbing, can be seen in the attempts to introduce a regional dimension into the Tajik conflict, which still continues in a number of districts along the Tajik-Afghan frontier. In 1993, Russian frontier guards were forced into armed confrontations with violators on more than 250 occasions, in which 31 frontier guards lost their lives and approximately 40 were wounded. I appeal to the leaders of the opposition: the time has come to renounce their military plans and to respond to the appeal of the legitimate authorities of Tajikistan, to take their place at the negotiating table and to resolve all problems through peaceful and political means. To that end, they must, first

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and foremost, accept the results of the sixteenth session of the Supreme Council of the Republic of Tajikistan. It was precisely the systematic violations of the sovereignty and territorial integrity of Tajikistan, the repeated breaching of its frontier by illegal armed formations, trained by foreign instructors in the territory of an adjacent State, and the growing number of casualties among its military servicemen and civilian population which prompted the head of State to send a letter to the Chairman of the Security Council requesting him to convene a meeting of the Council to consider the alarming situation and the adoption of the necessary decision.

The normalization of the situation on the Tajik-Afghan frontier and the stabilization of conditions in Tajikistan are interlinked and interdependent processes. It is hardly necessary, in such an august forum, to point out that the continuation of armed clashes on our frontier with Afghanistan, which we regard as the external frontier of the States of the Commonwealth of Independent States, could seriously endanger peace and security throughout the Central Asian region. In response to the conditions that had developed, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation, the Republic of Tajikistan and the Republic of Uzbekistan signed an agreement on the establishment, in the territory of my country, of collective peace-keeping forces, and this decision was officially conveyed by the Ministers for Foreign Affairs of the five States to the Secretary-General of the United Nations, Mr. Boutros-Ghali, in their joint letter of 30 September 1993 (S/26610, annex).

In Tajikistan the collective peace-keeping forces are rightly perceived as a barrier preventing incendiary sparks from the continuing bloody civil war in neighbouring Afghanistan from carrying across our southern frontier, and they are particularly welcomed as a form of protection against acts of armed terrorism. From the bottom of our hearts, we wish peace, tranquillity and well-being for the friendly people of Afghanistan. Our only objective is to preserve the territorial integrity and unity of the multi-ethnic State of Tajikistan.

The steps taken by the five States represent a satisfactory and perfectly adjusted response to the dangerous turn which events have taken. They are fully consistent with the provisions of the Treaty on Collective Security of the countries of the Commonwealth of Independent States and with the conditions established by bilateral agreements with Tajikistan; they are in line with the relevant decisions of the Security Council and with the steps taken by the Secretary-General of the United Nations to support the stabilization of the situation in Tajikistan. They are also in full conformity with the preventive diplomacy approaches described by the Secretary-General of the United Nations in his report, "An Agenda for Peace". We regard the formation of collective peace-keeping forces as a regional arrangement consistent with the purposes and principles of Chapter VIII of the Charter of the United Nations, and as a major contribution by the five States to the process of bringing peace and stability to the region.

The defence of our southern frontier is a joint strategy of these five States of the Commonwealth of Independent States, and the collective peace-keeping forces constitute the decisive factor in joint efforts to overcome the crisis on the Tajik-Afghan frontier. Furthermore, I am deeply convinced that

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the collective peace-keeping forces are entirely capable of playing a unique role as a kind of catalyst, creating vital preconditions for the delineation of a new security policy for the entire Central Asian region.

Tajikistan is open to bilateral and multilateral cooperation with all States of the region, with the aim of halting the bloodshed and opening constructive dialogue, primarily by neutralizing the attempts of the Tajik armed opposition to resolve the crisis through a military victory and by adopting an agreement on a cease-fire to be monitored by United Nations military observers. As people of conscience, we condemn and categorically oppose all those who use foreign arms, from the territory of a foreign State, against their own people.

We hope that the establishment of collective peace-keeping forces will receive moral, political and other forms of support from the international community as an effective and long-term strategy which will lead to a general improvement in the situation by de-escalating the conflict and bringing nearer a comprehensive political settlement.

The Tajik people will remain eternally grateful to the courageous soldiers and officers of the peace-keeping forces, who are performing a noble role in maintaining peace and security in the region. I should emphasize that those States which are closest to the Tajik conflict have a deeper understanding of the essence of our problems.

Tajikistan's experience demonstrates that the practical approach to the settlement of the conflict which is most likely to succeed is that represented by the peaceful initiatives being prepared and implemented in the region and supported by regional and international organizations.

We are sincerely moved by the deep sympathy and the good will demonstrated by those countries which have been contributing to the process of ensuring the welfare of the Tajik people since the very beginning of our conflict.

My country and my people are grateful to all those who are continuing their endeavours to ensure that all the citizens of Tajikistan live in conditions of peace, stability and civil concord. I wish you all every success in your work and convey my best wishes on the great holiday of Christmas.
